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Commission on the Limits of the Continental Shelf

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Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during the thirty-fourth session. In particular, it contains an overview of the work on the submissions made by the Russian Federation, in respect of the Okhotsk Sea (partial revised submission); Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Argentina; Ghana; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; Denmark, in respect of the area north of the Faroe Islands; Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; and South Africa. The statement also contains information about presentations made to the Commission by the Russian Federation, in respect of the Okhotsk Sea; Ghana; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; and Denmark, in respect of the area north of the Faroe Islands as well as on the adoption of recommendations in respect of the submissions made by the Russian Federation, in respect of the Okhotsk Sea; and Denmark, in respect of the area north of the Faroe Islands. The statement further contains information about presentations made to the Commission by Nicaragua, in respect of the southwestern part of the Caribbean Sea; and the Federated States of Micronesia, in respect of the Eauripik Rise. In addition, the statement addresses the establishment of subcommissions for consideration of the submission made by South Africa, in respect of the mainland of the territory of the Republic of South Africa; the joint submission by the Federated States of Micronesia, Papua New Guinea and Solomon Islands concerning the Ontong Java Plateau; the joint submission by France and South Africa in the area of the Crozet Archipelago and the Prince Edward Islands; and the submission by Mauritius in the region of Rodrigues Island. The statement also addresses the issues of the conditions of service and attendance of the members of the Commission.

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1. Pursuant to the decision adopted at its thirty-second session (see CLCS/80, para. 89), as endorsed by the General Assembly in paragraph 79 of its resolution 68/70, the Commission on the Limits of the Continental Shelf held its thirty-fourth session at United Nations Headquarters from 27 January to 14 March 2014. The plenary parts of the session were held from 10 to 14 February and from 10 to 14 March. The other periods were used for the technical examination of submissions at the geographic information system (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong-Ahn Park, Carlos Marcelo Paterlini, Walter R. Roest, Tetsuro Urabe and Szymon Uścinowicz. Some members of the Commission attended only parts of the session, including one who for reasons of family emergency could attend only part of the session. George Jaoshvili attended the session from 10 to 14 February 2014 and indicated that he had been unable to attend the entire session owing to the lack of adequate financial support from the nominating State. Sivaramakrishnan Rajan, who did not attend the session, informed the Chair of the Commission, by a letter dated 19 February 2014, of his resignation as a member of the Commission.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.36);

(b) Statement by the Chair on the progress of work in the Commission at its thirty-second and thirty-third sessions (CLCS/80; CLCS/81);

(c) Submissions made by coastal States[1] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;[2]

(d) Report of the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/263);

(e) General Assembly resolution 68/70;

(f) Communications received from Bangladesh (20 October 2010), Canada (15 June 2012), China (7 May and 25 August 2009, 14 April 2011 and 7 February 2014), Colombia (23 and 24 September 2013 and 5 February 2014), Costa Rica (15 July and 23 September 2013 and 20 January and 5 February 2014), Denmark (29 April and 15 June 2009, 14 June 2012, 17 January and 22 November 2013), France (6 May 2009 and 26 March 2013), Ghana (28 April 2009, 21 and 25 August 2009, 21 December 2010, and 5 December 2013), Iceland (29 April and 15 June 2009 and 17 January 2013), India (10 May 2010), Indonesia (8 July 2010), Jamaica (12 September 2013), Japan (23 May, 9 July and 27 December 2013 and 4 March 2014), Kenya (6 May 2009, 29 October 2013 and 7 January and 12 February 2014), Malaysia (6 and 20 May and 21 August 2009), Maldives (5 August 2009), Mauritius (6 May 2009), the Federated States of Micronesia (5 May 2009, 22 August 2013 and 8 January and 28 February 2014), Nicaragua (24 June and 20 December 2013, Nigeria

[1] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

[2] United Nations, *Treaty Series*, vol. 1833, No. 31363.

(22 June 2009), Norway (7 July 2009 and 21 January 2014), Panama (23 and 30 September 2013 and 3 and 5 February 2014), Papua New Guinea (5 May 2009), the Philippines (4 August 2009 and 5 April 2011), Portugal (6 September 2013), the Republic of Korea (10 February 2014), the Russian Federation (6, 12 and 15 November 2013), Solomon Islands (5 May 2009), Somalia (19 August and 10 October 2009 and 4 February 2014), South Africa (5 and 6 May 2009, 26 March and 18 November 2013 and 24 January and 3 March 2014), Spain (5 July 2013), Sri Lanka (6 May, 10 June and 22 July 2009), and Viet Nam (6 and 8 May and 18 August 2009 and 3 May 2011).

Item 1
Opening of the thirty-fourth session

4. The Chair of the Commission, Mr. Awosika, opened the plenary of the thirty-fourth session of the Commission.

Statement by the Legal Counsel

5. The Legal Counsel, Miguel de Serpa Soares, made a statement. Noting that this was the first time he was officially addressing the plenary of the Commission in his capacity as Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, he expressed the continued commitment of his Office to support the important work of the Commission, through the Division for Ocean Affairs and the Law of the Sea.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.36) and adopted it, as amended (CLCS/82).[3]

Item 3
Organization of work

7. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

[3] In response to an invitation by the Chair to present their submissions to the Commission at its thirty-fourth session, Denmark, in respect of the southern continental shelf of Greenland, and Sri Lanka indicated a preference to make their presentations at a subsequent session. This was done on the understanding that the deferrals would not affect the position of the submissions in the queue.

Item 4
Workload of the Commission

Conditions of service of the members of the Commission

8. The Commission took note of relevant parts of General Assembly resolution 68/70, in particular paragraphs 71, 72 and 78, concerning the obligation of States under the United Nations Convention on the Law of the Sea, whose experts are serving on the Commission, to defray the expenses of the experts they have nominated while in performance of Commission duties and medical coverage for these experts.

9. The Chair informed the Commission about an informal meeting that had been held on the margins of the thirty-fourth session of the Commission between the Coordinators of the Open-ended Working Group established by the Meeting of States Parties on the conditions of service of the Commission (see SPLOS/263, para. 77) and the Bureau of the Commission.[4]

10. After deliberations, and having reiterated its longstanding views on this issue, the Commission expressed concern as to the fact that the twenty-fourth Meeting of States Parties might only consider the possibility of addressing medical and dental insurance for members of the Commission from developing States. In this regard, the Commission underscored that all members of the Commission had been working very hard and under considerable pressure. Therefore, the needs for insurance coverage were of paramount importance for all members of the Commission, regardless of whether they had been nominated by developing or developed States. The Commission also underscored the point that the other issues related to their conditions of service should not be dealt with from a long-term perspective, as these are current and ongoing concerns affecting the working capacity and well-being of all members.

11. The Commission then requested the ad hoc working group on the workload of the Commission, chaired by Mr. Carrera (see CLCS/76, para. 17) to prepare elements for inclusion in the letter from the Chair of the Commission addressed to the President of the twenty-fourth Meeting of States Parties.

12. The Commission also reiterated the view that the Division should continue to be provided with all the necessary resources, including technical services, equipment and material, to assist the Commission with the substantially increased workload.

Establishment of new subcommissions

13. In the light of the progress in its work, the Commission decided to establish new subcommissions.

14. In this regard, the Commission, following its practice, reviewed the submissions at the head of the queue, namely: Myanmar; Yemen, in respect of south-east of Socotra Island; the United Kingdom of Great Britain and Northern Ireland, in respect of Hatton-Rockall Area; Ireland, in respect of Hatton-Rockall Area; and Fiji. Noting that there had been no developments to indicate that consent

[4] The Bureau is composed of the Chair of the Commission and the four Vice-Chairs (see CLCS/76, paras. 7 and 9).

existed on the part of all States concerned which would allow for the consideration of those submissions, the Commission decided to defer further the establishment of the relevant subcommissions.

15. The Commission then established subcommissions for the consideration of the submissions next in line, as queued in the order in which they had been received, namely the submission by South Africa, in respect of the mainland of the territory of the Republic of South Africa and the joint submission by the Federated States of Micronesia, Papua New Guinea and Solomon Islands concerning the Ontong Java Plateau.

16. Moving on to the next submission in line, namely the joint submission by Malaysia and Viet Nam in the southern part of the South China Sea, the Commission recalled the decision taken at its twenty-fourth session to defer further consideration of the submission and the relevant communications until such time as the submission is next in line for consideration as queued in the order in which it was received (see CLCS/64, para. 92). The Commission noted that there had been no developments to indicate that consent existed on the part of all States concerned which would allow for the consideration of this submission, and decided to defer further the establishment of a subcommission.

17. The Commission then established a subcommission for the consideration of the submission next in line, as queued in the order in which it had been received, namely the joint submission by France and South Africa in the area of the Crozet Archipelago and the Prince Edward Islands.

18. With regard to the next submission in line, made by Kenya, the Commission recalled the decision taken at its twenty-fourth session to revert to the consideration of the submission at the plenary level at the time when the submission is next in line for consideration as queued in the order in which it was received (ibid., para. 97). In this regard, the Commission took note of the communications received since the twenty-fourth session, namely the communication from Kenya, dated 29 October 2013, and two communications from Somalia, dated 10 October 2009 and 4 February 2014. In the light of the two latter communications, the Commission determined that, notwithstanding its decision taken at its twenty-fourth session that the submission would be addressed by way of a subcommission to be established at a future session (ibid.), the Commission was not in a position to proceed with the establishment of a subcommission at that time. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature provided for in annex I to its rules of procedure (CLCS/40/Rev.1).

19. The Commission then established a subcommission for the consideration of the submission next in line, as queued in the order in which it had been received, namely the submission by Mauritius in the region of Rodrigues Island.

20. With regard to the submissions for which the establishment of a subcommission was deferred to a future session, the Commission decided that, since those submissions remained next in line for consideration, as queued in the order in which they were received, it would review the situation at the time of establishment of its next subcommission (see CLCS/76, paras. 22-24).

21. In establishing all above-mentioned new subcommissions, the Commission proceeded on the basis of its rules of procedure and practice regarding the establishment of subcommissions, in particular rule 42, paragraph 1, of the rules of procedure. In doing so, the Commission also took note of a communication from South Africa dated 24 January 2014.

(a) Subcommission established for consideration of the submission made by South Africa, in respect of the mainland of the territory of the Republic of South Africa

22. After consultations, the Commission appointed Messrs. Charles, Glumov, Haworth, Kalngui, Lu and Uścinowicz as members of the Subcommission. The Commission agreed that, in view of the absence of some members (see para. 2 above), the seventh member of the Subcommission would be appointed at a subsequent stage.

23. The Subcommission met and elected Mr. Haworth as Chair and Messrs. Charles and Glumov as Vice-Chairs.

Report of the Subcommission

24. In the absence of the Chair of the Subcommission, one of the Vice-Chairs, Mr. Charles, reported on the progress of its work at the thirty-fourth session of the Commission, noting that the Subcommission had met from 18 to 21 February 2014. During that period, it carried out an initial examination of the submission, in conformity with annex III to the rules of procedure of the Commission.

25. The Subcommission had verified the format and completeness of the submission and completed its preliminary analysis, concluding, inter alia, that the test of appurtenance was satisfied. It also established that it was not necessary to recommend that the advice of specialists, in accordance with rule 57 of the rules of procedure, or that cooperation with relevant international organizations, in accordance with rule 56, be sought. The Subcommission also concluded that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission. On 4 March, the delegation provided amended materials to the Subcommission. On 14 March 2014, the Subcommission transmitted a communication to South Africa seeking clarifications and posing questions concerning the main body of the submission.

26. The Subcommission decided that its members would continue to work on the submission during the intersessional period, and that it would meet during the thirty-fifth session of the Commission from 11 to 15 August, and from 25 to 29 August 2014, including meetings with the delegation of South Africa during the former week.

(b) Subcommission established for consideration of the joint submission by the Federated States of Micronesia, Papua New Guinea and Solomon Islands, in respect of the Ontong Java Plateau

27. After consultations, the Commission appointed Messrs. Arshad, Mahanjane, Njuguna, Paterlini, Roest and Urabe as members of the Subcommission. The Commission agreed that, in view of the absence of some members (see para. 2 above), the seventh member of the Subcommission would be appointed at a subsequent stage.

28. The Subcommission met and elected Mr. Roest as Chair and Messrs. Njuguna and Paterlini as Vice-Chairs.

29. The Subcommission decided that it would commence its consideration of the submission during the thirty-fifth session of the Commission, from 11 to 15 August, and from 25 to 29 August 2014.

(c) Subcommission established for consideration of the joint submission by France and South Africa, in respect of the area of the Crozet Archipelago and the Prince Edward islands

30. After consultations, the Commission appointed Messrs. Arshad, Haworth, Mahanjane, Njuguna, Paterlini, and Urabe as members of the Subcommission. The Commission agreed that, in view of the absence of some members (see para. 2 above), the seventh member of the Subcommission would be appointed at a subsequent stage.

31. The Subcommission met and elected Mr. Njuguna as Chair and Messrs. Arshad and Haworth as Vice-Chairs.

32. Following the appointment of Mr. Haworth as a member of the Subcommission, and in the interest of maintaining a balanced distribution of work among the members of the Commission, the Commission decided that Mr. Haworth would no longer serve as a member of the Subcommission established for consideration of the submission made by Uruguay. In this regard, the Commission agreed, however, that he would continue to assist that Subcommission as an expert in geophysics (see para. 42 below).

33. The Subcommission decided that it would commence its consideration of the submission during the thirty-fifth session of the Commission, from 18 to 22 August 2014.

(d) Subcommission established for consideration of the submission by Mauritius in the region of Rodrigues Island

34. After consultations, the Commission appointed Messrs. Awosika, Carrera, Madon, Marques, Park, Roest and Uścinowicz as members of the Subcommission.

35. The Subcommission met and elected Mr. Madon as Chair and Messrs. Marques and Uścinowicz as Vice-Chairs.

36. The Subcommission decided that it would commence its consideration of the submission during the thirty-fifth session of the Commission, from 21 to 25 July 2014.

Item 5
Consideration of the partial revised submission made by the Russian Federation in respect of the Sea of Okhotsk[5]

Report of the Subcommission

37. The Chair of the Subcommission, Mr. Carrera, reported on the progress of its work at the thirty-fourth session, noting that the Subcommission had met from 28 to

[5] Submission made on 28 February 2013; see www.un.org/Depts/los/clcs_new/submissions_files/submission_rus_rev.htm.

30 January and on 4 February 2014. Having reached an agreement on the substantive components of the recommendations at the thirty-third session (see CLCS/81, para. 7), the Subcommission finalized the draft recommendations, which were adopted by consensus on 4 February and transmitted to the Chair of the Commission on the same date.

Consideration of draft recommendations

38. On 12 February 2014, the Chair of the Subcommission introduced to the Commission the draft recommendations in regard to the partial revised submission made by the Russian Federation in respect of the Sea of Okhotsk on 28 February 2013.

39. The presentation pursuant to paragraph 15.1 bis of annex III to the rules of procedure of the Commission, was made on 13 February 2014 by Denis Gennadyevich Khramov, Deputy Minister of Natural Resources and Environment. The delegation also included a number of advisers. In its presentation the delegation agreed with the views and general conclusions of the Subcommission arising from the examination of the submission.

Adoption of recommendations

40. The Commission then continued its deliberations in private. On 11 March 2014, following a thorough consideration of the draft recommendations prepared by the Subcommission and of the above-mentioned presentation made by the delegation, the Commission adopted by consensus the recommendations of the Commission on the Limits of the Continental Shelf in regard to the partial revised submission made by the Russian Federation in respect of the Sea of Okhotsk on 28 February 2013, with amendments.

41. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General of the United Nations on 14 March 2014.

Item 6
Consideration of the submission made by Uruguay[6]

Report of the Subcommission

42. The Commission appointed Mr. Roest as a member of the Subcommission, in order to fill the vacancy which occurred owing to the transfer of Mr. Haworth to the Subcommission established for consideration of the joint submission by France and South Africa (see para. 32 above).

43. The Chair of the Subcommission, Mr. Charles, reported on the progress of its work during the thirty-fourth session of the Commission, noting that the Subcommission had met from 27 January to 7 February 2014. He informed that the Subcommission had elected Mr. Uścinowicz as Vice-Chair to replace Mr. Rajan (see CLCS/80, para. 80). He also informed the Commission that Mr. Roest was elected Vice-Chair of the Subcommission to replace Mr. Haworth.

[6] Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

44. Mr. Charles reported that the delegation had provided responses to the issues that had been raised by the Subcommission at the thirty-third session of the Commission.

45. He further informed the Commission that during the week of 3 to 7 February 2014, the Subcommission had held five meetings with the delegation of Uruguay.

46. The Subcommission decided that its members would continue to work on the submission during the intersessional period and that it would invite the delegation to meet with it during the week of 28 July to 1 August and, if necessary, between 18 August to 22 August 2014 during the thirty-fifth session of the Commission. A decision will be made by the Subcommission in the week of 28 July to 1 August as to whether meetings during the week of 18 to 22 August would be necessary.

Item 7
Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau[7]

Report of the Subcommission

47. The Chair of the Subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-fourth session of the Commission, noting that the Subcommission had met from 18 to 21 February and from 25 to 27 February 2014.

48. During the intersessional period, the delegation posed a series of questions to the Subcommission, which were considered by the Subcommission at the thirty-fourth session of the Commission. The Subcommission held one meeting with the delegation, during which the delegation provided its second preliminary response to the presentation made by the Subcommission pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission, including additional data and information. During that meeting, the Chair of the Subcommission made a statement.

49. The Subcommission decided that its members would consider the first and second preliminary responses of the delegation during the intersessional period and that it would meet during the thirty-fifth session of the Commission, from 28 July to 1 August and from 25 to 29 August 2014. The Subcommission invited the delegation to meet during the latter week to make a presentation to the delegation on the additional data and information. It also invited the delegation to make its final presentation pursuant to paragraph 10.4 of annex III to the rules of procedure.

50. The Subcommission will proceed with the preparation of recommendations once the delegation has provided its final response pursuant to paragraph 10.4 of annex III to the rules of procedure.

[7] Submission made on 16 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

Item 8
Consideration of the submission made by Argentina[8]

Report of the Subcommission

51. The Chair of the Subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-fourth session of the Commission, noting that the Subcommission had met from 27 January to 7 February and, in accordance with the amended programme of work, from 3 to 7 March 2014. During that period, it held three meetings with the delegation, in the course of which the delegation transmitted additional data and information to the Subcommission in response to its request. The delegation indicated that it would be providing additional data and information in this regard. The delegation also made amendments to the outer limits of the continental shelf, which had arisen out of interactions between it and the Subcommission.

52. The Subcommission decided that its members would continue to work on the submission during the intersessional period, individually and in working groups, and that it would meet during the thirty-fifth session of the Commission, from 11 to 22 August 2014. The Subcommission expects, upon receipt and consideration of all additional data and information, to be in a position to present its views and general conclusions to the delegation pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission.

Item 9
Consideration of the submission made by Ghana[9]

Report of the Subcommission

53. The Chair of the Subcommission, Mr. Roest, reported on the progress of its work during the intersessional period and at the thirty-fourth session of the Commission, noting that the Subcommission had met from 27 to 31 January, on 3, 18, 20 and 28 February and on 7 March 2014. During that period, it did not hold any meetings with the delegation. On 23 January 2014, the delegation had provided responses to additional requests for clarification that had been made by the Subcommission during the thirty-third session of the Commission. Following its consideration of this communication, on 30 January 2014, the Subcommission transmitted a communication to Ghana indicating its intention to present draft recommendations to the Commission during the thirty-fourth session, and confirming its understanding of Ghana's intention to make a presentation related to its submission to the plenary of the Commission, in accordance with paragraph 15.1 bis of annex III to the rules of procedure of the Commission.

54. The Subcommission shared with the delegation a document presenting its views and general conclusions arising from the examination of the submission, on the mutual understanding that this document replaced the presentation envisioned in paragraph 10.3 of annex III to the rules of procedure of the Commission.

[8] Submission made on 21 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

[9] Submission made on 28 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_gha_26_2009.htm.

55. The Subcommission finalized the draft recommendations, which, after their adoption by consensus on 28 February 2014, were transmitted to the Commission on 3 March 2014.

Consideration of draft recommendations

56. On 10 March 2014, the Chair and other members of the Subcommission introduced to the Commission the draft recommendations in regard to the submission made by Ghana on 28 April 2009.

57. The presentation pursuant to paragraph 15.1 bis of annex III to the rules of procedure of the Commission was made on the same day by Alhaji Inusah Fuseini, Minister for Lands and Natural Resources and Chairman of the Ghana Boundary Commission, Head of Delegation; and Lawrence Apaalse, Coordinator, Ghana National Continental Shelf Delineation Project, Member, Ghana Boundary Commission. The delegation also included Ken Kanda, Permanent Representative of Ghana to the United Nations and a number of advisers. In its presentation, the delegation agreed with the views and general conclusions of the Subcommission arising from the examination of the submission.

58. The Commission then continued its deliberations in private. Following a detailed discussion of the draft recommendations and taking into account the presentations made by the delegation and by the Subcommission, the Commission decided, in accordance with rule 53, paragraph 1 of its rules of procedure, to defer further consideration of the draft recommendations to the thirty-fifth session in order to allow sufficient time for its members to consider the submission and the draft recommendations.

Item 10
Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge[10]

Report of the Subcommission

59. The Chair of the Subcommission, Mr. Urabe, reported on the progress of its work during the intersessional period and at the thirty-fourth session of the Commission, noting that the Subcommission had met from 3 to 7 February and from 18 to 21 February 2014. During that period, it held seven meetings with the delegation. On 23 January 2014, the delegation provided responses to the views of Subcommission that had been transmitted during the thirty-third session of the Commission.

60. During the week of 3 to 7 February 2014, the delegation gave a detailed presentation to the Subcommission in which the responses were recapitulated. Following its consideration of this presentation, the Subcommission gave two presentations reflecting its views on a number of issues and indicating areas where it was in agreement with the delegation on the basis of the data and information submitted by the latter. The delegation gave another presentation in response to this,

[10] Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm.

to clarify certain areas and provide additional data upon the request of the Subcommission.

61. During the week of 18 to 21 February 2014, the delegation gave a presentation on the final construction of its outer edge of the continental margin. The Subcommission gave a detailed presentation with a view to finalizing its consideration of the submission.

62. Pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission, the Subcommission presented to the delegation its views and general conclusions arising from the examination of the submission.

63. The Subcommission then finalized the draft recommendations, adopted them by majority on 27 February 2014, and then transmitted them to the Commission on 3 March 2014.

Consideration of draft recommendations

64. On 12 March 2014, the Chair and other members of the subcommission introduced to the Commission the draft recommendations in regard to the Submission made by Iceland on 29 April 2009.

65. The presentation pursuant to paragraph 15.1 bis of annex III to the rules of procedure of the Commission was made on 12 March 2014 by Tomas H. Heidar, Legal Adviser of the Ministry for Foreign Affairs and Chairman of the National Commission on the Limits of the Continental Shelf, Head of delegation; Sigvaldi Thordarson, Senior Geophysicist at Iceland Geosurvey; and Freysteinn Sigmundsson, Research Professor at the Institute of Earth Sciences, University of Iceland. The delegation also included Greta Gunnarsdottir, Permanent Representative of Iceland to the United Nations. In its presentation, the delegation agreed with the views and general conclusions of the Subcommission arising from the examination of the submission.

66. The Commission then continued its deliberations in private. Following a detailed discussion of the draft recommendations and taking into account the presentations made by the delegation and by the Subcommission, the Commission decided, in accordance with rule 53, paragraph 1, of the rules of procedure, to defer further consideration of the draft recommendations to the thirty-fifth session in order to allow sufficient time for its members to consider the submission and the draft recommendations.

Item 11
Consideration of the partial submission made by Denmark in respect of the area north of the Faroe Islands[11]

Consideration of draft recommendations

67. On 10 February 2014, the Chair of the Subcommission introduced to the Commission the draft recommendations in regard to the partial submission made by

[11] Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_dnk_28_2009.htm.

Denmark in respect of the area north of the Faroe Islands on 29 April 2009 (see CLCS/81, para. 24).

68. The presentation pursuant to paragraph 15.1 bis of annex III to the rules of procedure of the Commission was made on 11 February 2014 by Bjørn Kunoy, Legal Adviser in the Foreign Affairs Department of the Faroese Prime Minister's Office, and Head of delegation, and Finn Mørk, Senior Geophysicist, Faroese Earth and Energy Directorate. The delegation also included a number of advisers. In its presentation, the delegation agreed with the views and general conclusions of the Subcommission arising from the examination of the submission.

Adoption of recommendations

69. The Commission then continued its deliberations in private. On 12 March 2014, following a thorough consideration of the draft recommendations prepared by the Subcommission and of the above-mentioned presentation made by the delegation, the Commission adopted by consensus the recommendations of the Commission on the Limits of the Continental Shelf in regard to the partial submission made by the Government of the Kingdom of Denmark together with the Government of the Faroes in respect of the continental shelf north of the Faroe Islands on 29 April 2009, with amendments.

70. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General of the United Nations on 14 March 2014.

Item 12
Consideration of the submission made by Pakistan

Report of the Subcommission

71. The Chair of the Subcommission, Mr. Urabe, reported on the progress of its work during the intersessional period and at the thirty-fourth session, noting that the Subcommission had met from 24 to 25 February and from 3 to 7 March 2014.

72. During that period, it held two meetings with the delegation of Pakistan, in the course of which the delegation made a presentation on its response to the preliminary questions and requests for clarifications that had been made by the Subcommission at the thirty-third session of the Commission. The Subcommission also made a presentation in response to that made by the delegation.

73. The Subcommission transmitted a communication to Pakistan requesting further clarifications on the submission based on the exchange of views during the meetings.

74. The Subcommission decided that its members would continue to work individually on the submission during the intersessional period and that the Subcommission would meet during the thirty-fifth session of the Commission, from 21 July to 1 August 2014. The Subcommission invited the delegation to meet during the second of the two weeks of work.

Item 13
Consideration of the submission made by Norway in respect of Bouvetoya and Dronning Maud Land

Report of the Subcommission

75. In the absence of the Chair of the Subcommission, one of the Vice-Chairs, Mr. Oduro, reported on the progress of its work during the intersessional period and at the thirty-fourth session of the Commission, noting that the Subcommission had met from 24 February to 7 March 2014. During that period, it held three meetings with the delegation of Norway, in the course of which the delegation provided responses to questions and requests for clarification that had been made by the subcommission at the thirty-third and thirty-fourth sessions of the Commission. The delegation indicated that it would be providing additional data and information in this regard.

76. As a result of interactions with the Subcommission, the delegation made amendments to the outer limits with respect to Bouvetoya. The Subcommission decided that it would consider the new information before determining whether the change in the outer limits would necessitate a revised executive summary.

77. The Subcommission decided that its members would continue to work on the submission during the intersessional period and that it would meet during the thirty-fifth session of the Commission, from 21 to 25 July 2014.

Item 14
Presentation of submissions

1. Nicaragua, in respect of the southwestern part of the Caribbean Sea[12]

78. The presentation of the submission of Nicaragua, in respect of the southwestern part of the Caribbean Sea to the Commission was made on 11 March by the Head of the delegation, Carlos Argüello Gómez, Ambassador of Nicaragua to the Netherlands and Agent of Nicaragua to the International Court of Justice; Itzamna Ubeda Cruz, Adviser, Embassy of Nicaragua to the Netherlands and Co-Director of the Nicaraguan Institute for Territorial Studies; and Robin Cleverly, Adviser, Embassy of Nicaragua to the Netherlands and Law of the Sea Consultant, Admiralty Consultancy Services, the United Kingdom Hydrographic Office. The delegation also included Maria Rubiales de Chamorro, Deputy Minister for Foreign Affairs, Permanent Representative of Nicaragua to the United Nations, and Ana Isabel Morales, the Minister of Interior of Nicaragua, as well as a number of advisers.

79. Mr. Argüello noted that no member of the Commission had provided Nicaragua with advice and assistance. He indicated that there were no unresolved land or maritime disputes related to the submission, and, notably, that the International Court of Justice, in its judgment of 19 November 2012,[13] had

[12] Submission made on 24 June 2013; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nic_66_2013.htm.

[13] *Territorial and Maritime Dispute (Nicaragua v. Colombia), Judgment, I.C.J. Reports, 2012*, p. 652.

delimited the maritime boundary between Nicaragua and Colombia up to 200 nautical miles from the baselines of Nicaragua.

80. Mr. Argüello recalled that communications had been transmitted from Colombia, on 24 September 2013 and 5 February 2014; Costa Rica, on 15 July 2013 and 20 January 2014; Jamaica, on 12 September 2013; Panama, on 30 September 2013 and 3 February 2014; and jointly from Colombia, Costa Rica, and Panama, on 23 September 2013 and 5 February 2014. Before addressing them specifically, he observed that in general these communications concerned the issue of overlapping continental shelf entitlements and the determination of continental shelf boundaries between States with opposite or adjacent coasts and that Nicaragua had communicated its views through five notes verbales, all dated 20 December 2013, addressed to the Secretary-General. He reiterated that the submission had been made without prejudice to the question of delimitation of the continental shelf between Nicaragua and neighbouring States and that the communications did not bar the Commission from considering the submission of Nicaragua nor from issuing recommendations. Concerning Colombia, he noted that Nicaragua and Colombia had competing claims to certain areas of continental shelf included in the submission of Nicaragua, a matter that was now before the International Court of Justice. In this regard, he observed that the questions of delimitation were covered by article 76, paragraph 10, of the Convention and did not prevent the Commission from issuing recommendations.

81. With regard to the communications from Jamaica, dated 12 September 2013; Costa Rica, dated 15 July 2013 and 20 January 2014; and Panama dated 30 September 2013 and 3 February 2013, Mr. Argüello noted that they alleged that there was an overlap of the area contained in the submission of Nicaragua and the continental shelf of each State. In this regard, he noted that the area of continental shelf in the submission did not overlap with areas that those States had delimited.

82. With regard to the communication from Costa Rica dated 15 July 2013, he noted that it invoked paragraph 5 (a) of annex I to the rules of procedure of the Commission, but that Costa Rica had never claimed continental shelf beyond 200 nautical miles from its coast in the Caribbean Sea, and that its reliance on paragraph 5 (a) of annex I to the rules of procedure was not justified. In this connection, he also noted that on 25 February 2014, Costa Rica had instituted proceedings against Nicaragua before the International Court of Justice, requesting it to determine the complete course of a single maritime boundary of the maritime areas appertaining to Costa Rica and Nicaragua.

83. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications from Colombia, Costa Rica, Jamaica, Nicaragua and Panama; and the joint communications from Colombia, Costa Rica and Panama. It observed, in particular, that the communications transmitted by Costa Rica invoked, inter alia, rule 42 and paragraph 5 (a) of annex I to the rules of procedure, relating to a dispute in the area of the submission. The Commission also took note of the views expressed in the presentation by Nicaragua in connection with the communications. Taking into account these communications and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the communications until such time as the submission was next in line for consideration, as queued in the order in which it was received. The Commission

took this decision to take into account any further developments that might occur throughout the intervening period, during which States may wish to take advantage of the avenues available to them, including the provisional arrangements of a practical nature outlined in annex I to its rules of procedure.

2. Federated States of Micronesia, in respect of the Eauripik Rise[14]

84. The presentation of the submission of the Federated States of Micronesia, in respect of the Eauripik Rise to the Commission was made on 14 March 2014 by the Head of the delegation, Patrick McKenzie, Executive Director, National Oceanic Resources Management Authority, Jeem Lippwe, Chargé d'affaires, Permanent Mission of the Federated States of Micronesia to the United Nations; and Clement Yow Mulalap, Legal Adviser, Permanent Mission of the Federated States of Micronesia to the United Nations. The delegation also included a technical adviser.

85. In addition to elaborating on substantive points of the submission, the delegation noted that no member of the Commission had provided the Federated States of Micronesia with advice and assistance. Mr. Mulalap recalled that the area of the continental shelf included in the submission was not the subject of any dispute and that no notes verbales had been received from other States. Furthermore, the submission had been made without prejudice to the delimitation with Papua New Guinea, pursuant to a memorandum of understanding dated 6 March 2009. In addition, Mr. Mulalap noted that the submission represented a partial submission in respect of only a portion of the extended continental shelf of the Federated States of Micronesia and that submissions for other portions would be made at a later date.

86. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be considered at a future session by a subcommission established in accordance with rule 51, paragraph 4 ter, of the rules of procedure. The Commission decided that it would establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

Item 15
Report of the Chair of the Committee on Confidentiality

87. The Chair of the Committee on Confidentiality, Mr. Park, reported that no issues that fell within the purview of the Committee had arisen.

Item 16
Report of the Chair of the Editorial Committee

88. The Chair of the Editorial Committee, Mr. Haworth, reported that no meeting of the Committee had been required during the period under review. He also informed the Commission that the Committee has been receiving practical

[14] Submission made on 30 August 2013; see www.un.org/depts/los/clcs_new/submissions_files/submission_fsm_67_2013.htm.

comments with respect to the template for recommendations of the Commission in respect of a submission. The Chair encouraged members of the Commission to continue reviewing the template in the light of further recommendations being prepared, and to forward any additional comments or suggestions for improvements to the Editorial Committee.

Item 17
Report of the Chair of the Scientific and Technical Advice Committee

89. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that the Committee had met on 12 March 2014 and introduced a proposal of the Committee. The Commission took note of that proposal.

Item 18
Report of the Chair of the Training Committee and other training issues

90. The Chair of the Training Committee, Mr. Carrera, reported that no meeting of the Committee had been required during the period under review.

91. The Commission also took note of the information provided by the Chair of the Committee and the Secretariat concerning the training course on the legal and scientific aspects of the preparation of submissions to the Commission on the Limits of the Continental Shelf, followed by the national seminar on the legal and technical aspects of the extension of the continental shelf beyond 200 nautical miles, held from 2 to 11 December 2013 in Guayaquil, Ecuador.

Item 19
Other matters

Next session of the Commission

92. The Commission recalled its decision to hold its thirty-fifth session from 21 July to 5 September 2014 (see CLCS/80, para. 89), as endorsed by the General Assembly in paragraph 79 of its resolution 68/70. Discussing the plan of work for that session, it endeavoured to organize the meetings of the nine active subcommissions in a way that would maximize the progress in the consideration of the submissions and, to the extent possible, would distribute the workload equitably among members of the Commission.

93. The Commission decided that the Subcommission established to examine the submission made by Uruguay would meet from 28 July to 1 August and from 18 to 22 August 2014; the Subcommission established to examine the submission made by the Cook Islands concerning the Manihiki Plateau would meet from 28 July to 1 August and from 25 to 29 August 2014; the Subcommission established to examine the submission made by Argentina would meet from 11 to 22 August 2014; the Subcommission established to examine the submission made by Pakistan would meet from 21 July to 1 August 2014; the Subcommission established to examine the

submission made by Norway in respect of Bouvetøya and Dronning Maud Land would meet from 21 to 25 July 2014; the Subcommission established to examine the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa would meet from 11 to 15 August and from 25 to 29 August 2014; the Subcommission established to examine the joint submission by the Federated States of Micronesia, Papua New Guinea and the Solomon Islands concerning the Ontong Java Plateau would meet from 11 to 15 August and from 25 to 29 August 2014; the Subcommission established to examine the joint submission made by France and South Africa in the area of the Crozet Archipelago and the Prince Edward Islands would meet from 18 to 22 August 2014; and the Subcommission established to examine the submission made by Mauritius in the region of Rodrigues Island would meet from 21 to 25 July 2014.

94. The plenary parts of the thirty-fifth session will be held from 4 to 8 August and 2 to 5 September 2014.

Prioritization of tasks for members with multiple subcommissions

95. The Commission discussed how to proceed in situations where a member is expected to participate in the work of two or more subcommissions scheduled to meet at the same time. In this connection, the Commission reiterated that priority should be given to the work of (a) subcommissions in the final stages of examination of a submission and (b) subcommissions for which the absence of members would pose difficulties regarding quorum. The Commission, however, noted that such situations should be solved on a case-by-case basis through consultations between the Chair of the Commission and the chairs of the subcommissions concerned.

Attendance of members

96. The Commission addressed the issue of attendance of its members and re-emphasized that it was important for all members of the Commission to attend all its meetings. The Commission requested the Chair to bring the absence of members who had not attended two consecutive sessions of the Commission to the attention of the Meeting of States Parties.

97. In this regard, the Commission took note of the information provided by the Chair about a meeting with the Permanent Representative of a nominating State. At that meeting, the Permanent Representative was apprised of the fact that the member nominated by that State had been unable to participate fully in the work of the Commission owing to an alleged lack of financial support and of the repercussions of such an absence on the work of the Commission.

Communications from States

98. The Commission observed that communications had been received from certain States concerning submissions, with a request to restrict the circulation of these communications to the members of the Commission. In this regard, the Commission noted the general interest of States Members of the United Nations, as well as States Parties to the Convention, in the transparency in the work of the Commission, and decided, except in relation to communications from submitting States transmitting confidential data and information, to encourage States not to

restrict the circulation of their communications only to the members of the Commission, to the extent possible.

Trust funds

99. The Commission was informed about the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in its meetings. For the thirty-third session, assistance had been provided to eight members of the Commission, in the amount of $187,261.82. For its thirty-fourth session, an estimated total of $182,052.55 in financial assistance was being provided to eight members. The Commission was also informed that since the issuance of the last statement of the Chair, contributions totalling $40,000 had been received from China and the Republic of Korea. As at the end of February 2014, the trust fund had an approximate balance of $975,327.00.

100. An overview was provided of the status of the trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. The Commission was also informed that, since the issuance of the last statement of the Chair, no contributions had been received. As at the end of February 2014, the trust fund had an approximate balance of $1,301,848.29.

Response to the note verbale dated 9 July 2013 from Japan

101. On 9 July 2013, Japan addressed a note verbale to the Commission requesting clarifications concerning the recommendations in relation to the submission made by Japan on 12 November 2008.

102. The working group tasked with the preparation of a draft response transmitted its draft to the plenary of the Commission, which, after deliberations, approved it with amendments. The Chair of the Commission then transmitted the response to Japan by a letter dated 4 March 2014.

Issues of scientific and technical nature

103. The Commission considered the possibility of devoting some time, but no more than one day, to an internal discussion of topics of a scientific and technical nature during a future session. In that regard, members who wished to propose to the Bureau a specific topic for discussion were invited to do so through the Secretariat.

Other issues

104. The Director of the Division informed the Commission that, during the session, she and other officials of the Division had met with the delegation of the Cook Islands, upon its request. The Chair of the Commission and the Chair of the Subcommission established to consider the submission made by the Cook Islands in respect of the Manihiki Plateau were in attendance.

Acknowledgements

105. The Commission noted with appreciation and gratitude the high standard of Secretariat services rendered to it by the Division.

106. The Commission expressed its appreciation to other members of the Secretariat for the assistance they provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.